

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

COREY KHALIL JACKSON,

Plaintiff,

v.

WARDEN GORDY,

Defendant.

Case No. 7:24-cv-10-ACA-GMB

MEMORANDUM OPINION

On November 12, 2024, the magistrate judge entered a report recommending the dismissal of this action without prejudice under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief can be granted. (Doc. 18). Although the magistrate judge advised Plaintiff Corey Khalil Jackson of his right to file written objections within fourteen days, the court has not received any objections.

The court **ADOPTS** the report with one modification. Mr. Jackson's allegation that his new dorm had the same problems as his old dorm is not conclusory. However, Mr. Jackson does not allege that Warden Gordy was aware of the problems in the new dorm or that he notified Warden Gordy of those problems after his transfer. (*See* doc. 1 at 7, 11–12). And a defendant cannot be held liable unless he had “actual knowledge that an inmate faced a substantial risk of serious harm.” *Caldwell v. Warden, FCI Talladega*, 748 F.3d 1090, 1099 (11th Cir. 2014).

Accordingly, Mr. Jackson's claim against Warden Gordy in his individual capacity fails as a matter of law. The court therefore **ACCEPTS** the recommendation and **WILL DISMISS** the complaint **WITHOUT PREJUDICE** for failure to state a claim.

The court will enter a separate final order.

DONE and **ORDERED** this December 5, 2024.

A handwritten signature in black ink, appearing to read 'Annemarie', is positioned above a horizontal line.

ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE